

Kathryn G. Spelman, Esq. (Cal. Bar No. 154512)  
Daniel H. Fingerman, Esq. (Cal. Bar No. 229683)  
MOUNT, SPELMAN & FINGERMAN, P.C.  
RiverPark Tower, Suite 1650  
333 West San Carlos Street  
San Jose CA 95110-2740  
Phone: (408) 279-7000  
Fax: (408) 998-1473  
Email: kspelman@mount.com,  
dfingerman@mount.com

Attorneys for Plaintiff,  
SAN FRANCISCO TECHNOLOGY INC.

ANDREW VALENTINE, Bar No. 162094  
andrew.valentine@dlapiper.com  
ALAN A. LIMBACH, Bar No. 173059  
alan.limbach@dlapiper.com  
ERIK R. FUEHRER, Bar No. 252578  
erik.fuehrer@dlapiper.com  
DLA PIPER LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
Tel: 650.833.2000  
Fax: 650.833.2001

Attorneys for Defendant  
THE EVERCARE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SAN FRANCISCO TECHNOLOGY,  
INC.,

Plaintiff,

v.

THE EVERCARE COMPANY,

Defendant.

CASE NO. 5:10-cv-01650-RS

**STIPULATION FOR MOTION BRIEFING  
AND HEARING SCHEDULE AND  
[PROPOSED] ORDER**

Pursuant to the Court's February 3, 2011, Civil Minute Order (D.E. 16), plaintiff San Francisco Technology Inc. ("SF Tech") and defendant The Evercare Company ("Evercare"), hereby submit this Stipulation and [Proposed] Order for motion briefing and a hearing schedule. The Parties stipulate as follows:

1. On February 3, 2011, the Court held a case management conference (CMC) in this case, jointly with other cases in which defendants were severed from *San Francisco Technology Inc. v. Adobe Systems Inc.*, Case No. 5:09-cv-06083-RS (the former defendants in this case are hereinafter referred to as "the defendants").

2. The defendants have indicated that they intend to file motions to dismiss. At the CMC, the Court directed the defendants to meet and confer with SF Tech on a schedule for briefing and hearing the motions to dismiss. The defendants and SF Tech exchanged emails and held a telephone conference call on the morning of February 7, 2011. During that conference call, the defendants and SF Tech agreed to the following schedule:

<u>Date</u>	<u>Event</u>
March 14, 2011	Deadline for defendant to file motions to dismiss
May 5, 2011	Deadline for SF Tech to file oppositions to motions to dismiss
May 12, 2011	Deadline for defendant to file replies
May 26, 2011, 1:30pm	Hearing on motions to dismiss

3. Based on the Court's statements during the CMC, it is Defendants' position that the Court has stayed all discovery in this case, including initial disclosures, while the motions to dismiss are pending. SF Tech's counsel does not recall the court making that order during the CMC and suggested deferring the issue of a discovery stay until later.

In accordance with General Order 45.X.B., Erik R. Fuehrer, counsel for The Evercare Company, attests that each other signatory listed below has concurred in this filing.

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1 IT IS SO STIPULATED.

2 Dated: February 11, 2011

DLA PIPER LLP (US)

3  
4 By /s/ Andrew Valentine

5 ANDREW P. VALENTINE  
6 ALAN LIMBACH  
7 ERIK R. FUEHRER  
8 DLA PIPER LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
Tel: 650.833.2000  
Fax: 650-833-2001

9 Attorneys for Defendant,  
10 THE EVERCARE COMPANY

11 Dated: February 11, 2011

MOUNT, SPELMAN & FINGERMAN, P.C.

12  
13 By /s/ Daniel Fingerman

14 KATHRYN G. SPELMAN  
15 DANIEL H. FINGERMAN  
16 RiverPark Tower, Suite 1650  
333 West San Carlos Street  
San Jose, CA 95110-2740  
Tel: 408-279-7000  
Fax: 408-998-1473

17 Attorneys for Plaintiff  
18 SAN FRANCISCO TECHNOLOGY, INC.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20  
21 Date: 2/10/11



22 Honorable Richard Seeborg, U.S. District Judge